

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DEBORAH SANZARO and  
MICHAEL SANZARO,

Plaintiffs,

vs.

ARDIENTE HOMEOWNERS  
ASSOCIATION, LLC, A NEVADA  
NON-PROFIT CORPORATION;  
SCOTT HARRIS, Declarant and former  
Ardiente HOA Board Member,  
CORONA ARDIENTE LLC, Declarant;  
SHEA HOMES LLC, Declarant;  
JAMES MARSH and LINDA  
KEMPER former Ardiente HOA Board  
Presidents; MARGO HUGHEN, present  
Ardiente HOA Board President; RYAN  
SMITH, Ardiente HOA Board Member;  
LAURY PHELPS, former community  
Manager and employee; RMI  
MANAGEMENT LLC; KEVIN  
WALLACE, Law Firm of LEACH  
JOHNSON SONG & GRUCHOW;  
JOHN LEACH

Defendants.

2:11-CV-01143-PMP-RJJ

**ORDER**

Defendants' Leach Johnson Song & Gruchow, and John Leach's Motion to Dismiss (Doc. #9), joined by the remaining Defendants in this action (Doc. #11), is fully briefed and clearly demonstrates Defendants' entitlement to the relief requested

1 not only because Defendants are not state actors but because the Ardiente  
2 Homeowners Association Clubhouse is private property, and not a place of public  
3 accommodations.

4 Moreover, the core issue in this case is whether Plaintiff Deborah Sanzaro  
5 should be permitted to have her Chihuahua dog, Angel, accompany her as a “service  
6 dog” into the Ardiente Homeowners Association Clubhouse. This question is being  
7 fully litigated in the Eighth Judicial District Court, State of Nevada. Disposition of  
8 that case will have preclusive effect on the issues before this Court.

9 **IT IS THEREFORE ORDERED that** Defendants’ Leach Johnson Song  
10 & Gruchow, and John Leach’s Motion to Dismiss (Doc. #9), joined by the remaining  
11 Defendants in this action (Doc. #11) is **GRANTED**.

12 **IT IS FURTHER ORDERED that** Plaintiffs’ Motion for a Court Order to  
13 Declare that the Ardiente Homeowners Association’s Clubhouse is a Place of Public  
14 Accommodation and for other Orders regarding Plaintiff’s Disability and Her  
15 Service Animal (Doc. #13) is **DENIED**.

16 **IT IS FURTHER ORDERED that** Plaintiffs’ Application to Proceed in  
17 District Court Without Prepaying Fees or Costs (Doc. #24) is **DENIED**.

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19 DATED: November 17, 2011.

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PHILIP M. PRO  
United States District Judge